IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.R.No. 122 of 2007
Date of decision : 13.2.2007

Joginder Singh

.....Petitioner.

Versus

Nihal Singh & Ors.

.....Respondents.

CORAM : HON'BLE MR. JUSTICE VINOD K. SHARMA

Present : Mr.A.P. Bhandari,Advocate
for the petitioners.

Mr. Gurmail Singh, Advocate
for respondent No.1.

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VINOD K. SHARMA,J.(ORAL)

Present revision petition has been filed against the order dated 23.12.2006 passed by the learned Addl. Civil Judge (Sr. Divn.), Guhla vide which application moved by the petitioner for consolidation of Civil Suit No. 277 of 2000 and Civil Suit No. 408 of 1999, pending in the same Court, has been dismissed by observing that the parties to both the suits were different and nature of the suits were also different. However, it is noticed that the parties in both the suits is same and the land in dispute in civil suit No. 277 of 2000 is also included in the claim raised in civil Suit No. 408 of 1999. One of the issue as to whether mutation No. 288 sanctioned in favour of the plaintiff on the basis of bogus and false “khangi Taksim” is result of fraud and has been challenged, and if so to what effect” whereas in civil suit No. 408 of 1999 one of the issue is whether defendant No.1 to 3 illegally got the mutation entered at Sr. No. 288 on the basis of Taksim Kangi Barai

Ikrarnama". Thus, the learned trial Court was not prima facie right in coming to the conclusion that the subject matter in both the suits was different. Accordingly, the impugned order is set aside and the case is remanded back to the learned trial Court for reconsideration of the application moved by the petitioner.

Disposed of.

13.2.2007 **(VINOD K. SHARMA)**
'sp' **JUDGE**